

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF MASSACHUSETTS**

Ina Steiner,
David Steiner,
Steiner Associates, LLC,
 (Publisher of EcommerceBytes)
 Plaintiffs

vs.

eBay, Inc., et al.,
 Defendants

CASE NO: 1:21-cv-11181

**CORRECTED MOTION FOR LEAVE TO FILE CONSOLIDATED RESPONSE TO
DEFENDANTS' SUPPLEMENTAL REPLY IN SUPPORT OF MOTIONS' TO DISMISS**

Now come the Plaintiffs and respectfully request that this Court grant Plaintiffs leave to file a Consolidation Response to Defendant eBay, Wenig and Wymers' Supplemental Replies in Support of their Motions to Dismiss. In support thereof, Plaintiffs state the following:

1. Plaintiffs filed a Consolidated Opposition to Defendants' Motions to Dismiss on May 23, 2022.
2. The Defendants filed both consolidated replies and individuals replies to the Plaintiffs' Opposition on June 24, 2022.
3. Plaintiffs were granted leave to file a Supplement to their Opposition to the Motion to Dismiss on September 30, 2022.
4. On October 1, 2022, Plaintiffs filed three documents along with a pleading describing the relevancy of the documents.
5. Defendants eBay, Wenig and Wymer each filed motions for leave to file a supplemental reply to Plaintiffs' filing, which the Court allowed.

6. The Defendants have responded with over thirty collective pages of argument, attacking Plaintiffs and accusing them of misrepresenting the documents filed.
7. Plaintiffs are seeking leave to file a short consolidated reply to briefly respond to the Defendants' new claims.
8. Pursuant to Local Rule 7.1, counsel for Plaintiffs have conferred with counsel for Defendant eBay Defendant Wenig, and neither assent to this motion.¹ Counsel for Plaintiffs contacted counsel for Defendant Wymer to determine his position but did not receive a response.

Wherefore, Plaintiffs requests leave to file a Consolidation Response to Defendant eBay, Wenig and Wymers' Supplemental Replies in Support of their Motions to Dismiss.

Respectfully submitted,
PLAINTIFFS
By their attorneys,

/s/ Rosemary Curran Scapicchio
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¹ In the motion for leave filed on October 26, 2022 (Paper # 156), counsel for Plaintiffs mistakenly represented that counsel for Defendant Wenig had not responded to the request for Wenig's position. After filing, Defendant Wenig's attorney emailed counsel and clarified that he had responded at 2:39pm. Counsel checked spam, and realized Attorney Weinberg's email had gone to spam, so counsel for Plaintiffs inadvertently missed the email. (See Attached). Counsel files this corrected motion to clarify Defendant Wenig's position.

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CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2022, the foregoing document was filed electronically with the Clerk of the Court using the ECF system, for uploading and service by electronic notice to counsel and parties authorized to receive electronically Notices of Electronic Filing.

/s/ Rosemary Scapicchio